

1 recall?

2 A There would be times he would ask for me to
3 research frequency information or to pull up a piece of
4 paper here or to go get this or that. I couldn't put it to
5 any particular dates and time, he would just ask me, you
6 know, to do this, do that or ask information.

7 Q Okay. And did that general state of affairs exist
8 from the Net Wave petition in November of '97 up to and even
9 including today?

10 A Yes.

11 Q So when Ms. Lancaster asked you questions about
12 specific documents, you weren't aware of specific FCC
13 communications or responses, were you?

14 A In reference to specific dates, times, it was just
15 in reference to questions asked or information to be needed
16 or gathered or whatever.

17 Q Were you aware that DLB and the individuals were
18 making responses to the FCC?

19 A Yes. I had every faith they were.

20 Q Okay. And did you have an occasion to talk with
21 your father about him handling that project?

22 A Yes.

23 Q What did you understand about the specialty of the
24 law firm, Brown & Schwaninger, which is now Schwaninger &
25 Associates? Did you have any understanding about their

1 competence in handling these matters?

2 A Yes. I had all the confidence in the world. That
3 is information that Ron shared with me, that they were
4 Washington based attorneys which specialized in FCC rules
5 and regs.

6 Q So your state of mind, you were comfortable that
7 all actions were taken to respond and competent counsel was
8 engaged. Is that correct?

9 A Yes, sir.

10 Q Regarding the substance of the communications that
11 have been made to the FCC on behalf of DLB Enterprises and
12 yourself, are you aware of specific facts that you have
13 personal knowledge of and that you have communicated those
14 to the attorneys for further communication to the FCC?

15 A Yes.

16 Q And how have you responded to questions posed to
17 you that pertain to matters you particularly know about?

18 A From the best of my ability and the best of what
19 I could do. You know, not hide anything, just try to put
20 the right information there.

21 Q And have you attempted to be candid and frank and
22 honest in all the information you've provided to your
23 lawyers to provide to the FCC?

24 A Yes.

25 Q Now, earlier today, you probably got the sense

1 that Ms. Lancaster didn't fully appreciate that your state
2 of mind was limiting your answers to the years '95 or '96
3 with regard to some of the request for admissions. Do you
4 recall that exchange?

5 A Yes, sir. I do.

6 Q Do you remember seeing any instructions on the
7 FCC's request for admissions that told you to do it any
8 different way?

9 A No, sir. I did not.

10 Q Did you come by any other information that said
11 that that was not a proper way to do it?

12 A No. I was not directed by anyone.

13 Q And have you received any written objections or
14 other information from the FCC saying they had a problem
15 with how you responded to those?

16 A No, sir. I did not.

17 Q Now, you're not telling us that things couldn't
18 have been different or been done a better way; you're just
19 saying you did it the best to your ability at that time?

20 A Yes, sir. I did.

21 Q Now, there are some topics that have been
22 discussed by your father, for example, in these written
23 submissions to the FCC. Do you generally know what I'm
24 talking about, some of these other areas?

25 A Yes.

1 Q Have you been involved or overheard discussions
2 between your father and other members of DLB Enterprises
3 about the nature of the matters he was going to communicate?

4 A No.

5 Q Has the topic, for example, of the 1996 Sumpter
6 applications come up?

7 A In passing, probably.

8 Q What about your understanding of the O.C. Brasher
9 response and explanation for why your father signed
10 O.C. Brasher's name? Have you had a chance to discuss that
11 with your father?

12 A No.

13 Q Did you know that in fact O.C. Brasher's affairs
14 were being managed by your parents?

15 A Yes, I was aware of that.

16 Q Now that you have seen the substance of the
17 responses from your father, is that consistent with your
18 recollection of how your father thought he had authority to
19 deal on behalf of O.C. Brasher?

20 A Yes.

21 JUDGE STEINBERG: In other words, he never told
22 you anything different?

23 THE WITNESS: No, sir. He did not.

24 BY MR. PEDIGO:

25 Q So even though you didn't specifically edit or

1 proofread these documents, now that you've had a chance to
2 look at some of these answers, are they substantially
3 correct, in your opinion?

4 A Yes, they are.

5 Q Now, for example, the fact that you were listed as
6 a director of DLB Enterprises, do you have an opinion of
7 that either way?

8 A To this day, the original incorporation paper does
9 not list me as a director, so that's the only proof I have
10 there or whatever.

11 Q So the request for admission where you denied
12 being a director, you thought that was accurate at that time
13 and you think it's accurate today?

14 A Yes, I do.

15 Q Okay. And if there is a representation to the FCC
16 that you were a director, what's your opinion about the
17 accuracy of that?

18 A It's false.

19 Q Okay. Now, let me get to the real question. Did
20 you do everything in responding to the FCC to the best of
21 your ability when they asked you that question?

22 A Yes.

23 Q Would you have answered more fully or differently
24 if you had been a director rather than being just an
25 officer?

1 A Don't think so.

2 Q You tried to answer to the best of your ability.

3 A Right.

4 Q The distinction between a director and an officer
5 was not important to you, was it?

6 A No, it was not.

7 Q And even if that's not legally accurate,
8 it wouldn't have affected the substance of what you
9 had to say.

10 A No. The answers would have been the same.

11 Q Ms. Lancaster asked you about the access and
12 control that the licensees would have over their stations.
13 Do you recall that line of questioning?

14 A Yes, sir. I do.

15 Q Do you need access to the physical repeater that
16 has the station loaded on it to be in control of the
17 station?

18 A No.

19 Q In fact, have some of the Sumpters requested that
20 their stations be turned off?

21 A I believe so.

22 MS. LANCASTER: Objection unless he has personal
23 knowledge of that, Your Honor.

24 JUDGE STEINBERG: You can ask it on redirect or
25 Mr. Pedigo can ask it now, but we have an answer.

1 BY MR. PEDIGO:

2 Q Are you aware that some of the Sumpter stations
3 have been turned off?

4 A I believe so. Yes.

5 Q Okay. And how do you -- do you know why their
6 stations were turned off?

7 A From a request.

8 Q So in terms of the ultimate control as to whether
9 that station is operating or not, are you satisfied that
10 they control that station?

11 A They do. It was turned off at their request.

12 Q Are you aware of any dispute where a licensee has
13 asked DLB Enterprises to turn off their station and that
14 request has not been honored?

15 A None.

16 Q Or are you aware of any request by a licensee to
17 transfer the license when that request has been ignored?

18 A None.

19 Q And when the Sumpters presented their concerns in
20 the winter of 1997, do you recall generally what they wanted
21 to have happen to their licenses?

22 A To be transferred out of their name.

23 Q And was that the first time that you recall that
24 request being made?

25 A Yes.

1 Q And what immediately followed after that request
2 was received by people at DLB Enterprises?

3 A I believe there was an application for transfer
4 submitted or assignment.

5 Q Ms. Lancaster asked you some questions about
6 particular rights that the licensees had in terms of
7 managing or marketing their stations. Do you recall that?

8 A Yes.

9 Q With regard to how those stations were to be
10 managed or marketed, were there ever any requests for
11 specific actions to be taken that were ignored by DLB
12 Enterprises?

13 A No.

14 Q Was the discretion on how those activities would
15 be handled, was that left to DLB Enterprises?

16 A Yes, it was.

17 Q Did Mr. Sumpter, the accountant, ever ask for any
18 more detailed accounting information than what he was
19 already provided?

20 A No, he did not.

21 Q If you could look at Exhibit 44, please, David?
22 Do you have that in front of you?

23 A Yes, I do.

24 Q Okay. And what do you recognize that to be?

25 A A copy of a radio station license issues to

1 Sumpter, Norma.

2 Q And what is the call sign on that?

3 A WPCF910.

4 Q If you could look in the body of that document, do
5 you see the frequency listed?

6 A Yes, I do. 936.73750.

7 Q And what do you understand that frequency to be?

8 A This is a user's license associated to our trunk
9 system.

10 Q Is that the T-band?

11 A No. It's the 900.

12 Q That's the 900 series. When you think of
13 licensees and stations and frequencies, how in the business
14 do you think of the information contained on this exhibit?

15 A Merely by the frequency numbers.

16 Q Is that how it's discussed, for example, with
17 Mr. Thomas Lewis? Maybe Mr. Lewis is a bad example. Let's
18 say other people knowledgeable with the technical parts of
19 DLB Enterprises.

20 A Well, the techs, the service manager, myself, we
21 only deal with the frequency number because that's what has
22 to be programmed into the stations, as well as to each
23 mobile.

24 Q So is it your opinion that the ability to comply
25 with FCC requirements fundamentally calls for an

1 understanding of the frequencies?

2 A Yes.

3 Q When you read the Net Wave petition back in 1997,
4 did you understand the general allegation that they were
5 making?

6 A Somewhat, yes.

7 Q And as you sit here today, could you tell us what
8 you believe the general allegation was?

9 A The general allegation was that we were running an
10 illegal system in their eyes. What I reference there is
11 that we had --

12 MS. LANCASTER: I'm sorry, I didn't hear.

13 THE WITNESS: We had a T-band system up and
14 operating under multiple names.

15 BY MR. PEDIGO:

16 Q Was there an allegation that the use of multiple
17 names facilitated this unlawful objective?

18 A It alluded to a lot of things and I remember --

19 MS. LANCASTER: Your Honor, I'm going to object.
20 I think the allegations contained in the HDO speak for
21 themselves.

22 MR. PEDIGO: No, I'm talking about --

23 JUDGE STEINBERG: He was talking about the Net
24 Wave petition.

25 MS. LANCASTER: Well, that speaks for itself, too.

1 JUDGE STEINBERG: But we're trying to -- I think
2 the questions are eliciting what Mr. Brasher thought was
3 being alleged by Net Wave.

4 Am I correct?

5 MR. PEDIGO: Yes, Your Honor.

6 JUDGE STEINBERG: What was in his mind when he
7 reviewed the petition. Unless I lost something in there.

8 MS. LANCASTER: His interpretation of it.

9 JUDGE STEINBERG: Yes,

10 MS. LANCASTER: I'll withdraw the objection.

11 MR. PEDIGO: Thank you.

12 THE WITNESS: Can you ask that again?

13 BY MR. PEDIGO:

14 Q What did you understand that Net Wave had alleged
15 regarding the use of the multiple names or applicant names
16 to achieve this unlawful objective?

17 A That it was allowing us to obtain an unlawful
18 competitive edge or better edge than what other people could
19 if we hadn't followed certain set rules or whatever.

20 Q Okay. Now that you are familiar with what
21 information is publicly available, in fact, how did Net Wave
22 even understand that all these licenses were part of the
23 same package?

24 A They accessed the website and pulled public
25 information and compiled it and used the control points,

1 from my understanding, which is 2244 Larson Lane.

2 Q And what business is located at 2244 Larson?

3 A That is Metroplex Two Way.

4 Q And Net Wave is a local Dallas, Fort Worth
5 business? Is that correct?

6 A Yes, they are.

7 Q Would they have known the significance of listing
8 2244 Larson?

9 A Either that or the phone number itself. There's
10 two pieces there.

11 Q Okay. And so using public information they were
12 able to pull together that all these applications were part
13 of the same bundle or related to the same enterprise?

14 A Yes. As well as they had a 353 handheld AD
15 program that extracted information also.

16 Q Do you recall any attempt to conceal or any
17 discussions where the use of multiple names was used as a
18 technique to conceal that these applications were all to
19 benefit DLB Enterprises, to be used in DLB Enterprises'
20 business?

21 A No.

22 Q In fact, that information is clearly revealed by
23 public information, isn't it?

24 A Yes.

25 Q Now, have you also come to understand that there

1 might have been another way to apply for these licenses
2 rather than using the names of the Sumpters?

3 A Can you say that again?

4 Q Do you have an understanding whether there might
5 have been another way to achieve that same result in terms
6 of getting more spectrum?

7 A No, I don't think so.

8 Q Well, for example, could DLB Enterprises have
9 applied for those licenses?

10 A With what I know now?

11 Q I'm sorry, I didn't make that clear. With what
12 you know now.

13 A With what I know now, yes, they could.

14 Q So the fact that all these licenses were
15 ultimately granted and used by DLB Enterprises, based on
16 what you know now, do you think that DLB Enterprises ever
17 got any FCC benefit they weren't entitled to have?

18 A No.

19 Q In fact, even the way that DLB went about
20 obtaining these licenses, by using the other applicants'
21 names, whose advice was it to do that?

22 A It was what I call people we relied upon who were
23 in the professional position to give us that information,
24 like the coordinators and PCIA. That right there.

25 Q So the applications that were filed in June 1996

1 were done pursuant to professional advice from people
2 learned in the field of FCC applications?

3 A Yes.

4 Q As far as you know, did DLB attempt to follow that
5 advice completely?

6 A Yes.

7 Q If you could describe, who are some of the
8 customers for DLB Enterprises, in particular I would like
9 the Court to understand the public service benefit and
10 potential detriment if some of the licenses were -- some or
11 all of the licenses were affected by rulings in this matter.

12 A We have -- as earlier stated, we have a very large
13 concrete company --

14 MS. LANCASTER: Your Honor, I'm going to object to
15 the relevance of this testimony.

16 JUDGE STEINBERG: I think I went over this with
17 Mr. Romney.

18 MR. PEDIGO: Yes, Your Honor.

19 JUDGE STEINBERG: And I am going to repeat to the
20 best of my knowledge the impact on individual -- I don't
21 know of any cases, Commission cases, where the impact on the
22 general public or the customers of the loss of a license was
23 weighed by the Commission as a factor. I don't think this
24 falls within -- I also spoke about the interests of the
25 individual, the financial interests of the individual in the

1 outcome of the proceeding, that is relevant, but this
2 question doesn't seem to fall within that.

3 MR. PEDIGO: Yes, Your Honor. I understood the
4 Court's rulings. I will tell you that among counsel we have
5 had a discussion and --

6 JUDGE STEINBERG: You disagree with that?

7 MR. PEDIGO: Well, we do plan to present the Court
8 with information, we think that that would be something that
9 would be appropriate to consider, and I will just -- two or
10 three more questions to make sure that there is information
11 in the record for you to do what you want with later on,
12 after we brief that point.

13 JUDGE STEINBERG: Okay. I'll overrule the
14 objection with that understanding. And if you want to make
15 it in the nature of an offer of proof for whatever --

16 MR. PEDIGO: Yes, Your Honor.

17 JUDGE STEINBERG: Then you can do that and --
18 well, I would just leave it as testimony because then if
19 it's an offer of proof, then somebody's got to move that
20 I accept it.

21 MR. PEDIGO: Yes, sir.

22 BY MR. PEDIGO:

23 Q Just a couple of questions discussing some of the
24 customers that DLB Enterprises or Metroplex services and how
25 having to switch two-way radio providers could harm them.

1 A The first incurment would be they would have to
2 find a provider. Some of these are rather large customers.
3 There is other radio shops that could or could not handle
4 their volume.

5 The cost to them would be they would have to have
6 reprogramming fees as well as they would be running their
7 units without communications which would probably disrupt
8 their ability to generate their mission or complete their
9 mission with concrete pouring or rock delivering or even
10 delivering an ambulance to a patient.

11 Q And if some licenses were taken but others were
12 left in place and you had to do a substantial reprogramming
13 of mobile units, would that also be difficult on DLB
14 Enterprises as well as those customers?

15 A It would impact DLB. That would require me to
16 visit every unit to reprogram it, as well as not have
17 communications for those customers or for those other
18 customers or companies.

19 Q Do you recall the request to turn off one or two
20 of the Sumpsters' stations affecting your ability to service
21 existing customers?

22 A The two licenses that were turned down did not
23 impact Allen.

24 Q And could you explain why those particular
25 licenses did not affect DLB Enterprises' ability to continue

1 operations, but at a certain point why losing licenses
2 particularly in Allen would have an affect?

3 A The first part I believe is that the license that
4 we have up and operational at this time can handle the
5 volume. If we lose any additional, it will shrink the
6 ability for the other units to gain access and it will
7 impact the customer in reference to not having access to the
8 repeating system by turning the license down or losing a
9 license.

10 Q So when the repeaters are trunked, you need to
11 trunk them so that you have a certain amount of volume of
12 regular traffic that you can handle. Is that correct?

13 A Yes.

14 Q So as long as the system in the aggregate can
15 handle the volume, that's what the customer cares about.

16 A Yes.

17 Q And the volume is not tied to particular
18 repeaters, it's to the overall system.

19 A That is correct.

20 Q That's why the licenses turned off so far have
21 not --

22 A Have not impacted.

23 Q At the time those applications were submitted in
24 June of 1996, was there a need for that spectrum?

25 A Yes, there was.

1 Q In order to expand. I'm sorry.

2 A It was needed for the two concrete companies.

3 MR. PEDIGO: Nothing else at this time,

4 Your Honor.

5 JUDGE STEINBERG: Mr. Romney?

6 CROSS-EXAMINATION

7 BY MR. ROMNEY:

8 Q Mr. Brasher, did you have any conversations
9 yourself personally with Mr. Jim Sumpter about his license?

10 A No, sir. I did not.

11 Q Did you personally have any conversations with
12 Norma Sumpter about her license?

13 A No, sir. I did not.

14 Q Did you ever have any conversations with Melissa
15 Sumpter about her license?

16 A No, sir.

17 Q How about Jennifer Hill?

18 A No, sir. I did not.

19 Q How about Ms. Lutz? Did you have any
20 conversations with her about her license?

21 A In the past months, yes.

22 Q In the past months since the time of the --

23 A Since the Net Wave.

24 Q Were you under the impression, sir, that she knew
25 that she had a license?

1 A Yes, she did.

2 Q Did she ever deny the fact of having a license to
3 you?

4 A No.

5 Q Now, you stated that you're aware that two of the
6 Sumpter licenses were turned off. To your knowledge, did
7 anybody else ask DLB to turn off any of the stations
8 associated with the licenses obtained?

9 A No, sir. They have not.

10 Q If they had asked that to be done, would it have
11 been done?

12 A Yes, sir. It would have.

13 Q Has Mr. Sumpter, Jim Sumpter, asked ever for
14 access to his station?

15 A No, sir.

16 Q How about Melissa or Norma or Jennifer?

17 A No, sir. They have not.

18 Q What about Carolyn Lutz?

19 A No, sir.

20 Q Have any of the licensees that are at issue here,
21 and I'm just going to use the term licensees and by that
22 term I am defining that as Jim Sumpter, Norma Sumpter,
23 Melissa Sumpter, Jennifer Hill, Carolyn Lutz. Do you
24 understand that?

25 A Yes, sir. I do.

1 Q Now, have any of those licensees ever asked, to
2 your knowledge, you or anybody else at DLB that you are
3 aware of for financial information on the revenues or the
4 expenses of their licenses?

5 A No, sir. They have not.

6 Q Have any of those licensees ever asked for
7 information on who was doing work on their station?

8 A No, they have not.

9 Q Has anybody ever asked for information on firing
10 people that may be working on those stations?

11 A No, they have not.

12 Q Now, when you were answering requests for
13 admissions, you recall answering those documents in
14 association with this particular enforcement action, do you
15 not, sir?

16 A Yes, I do.

17 Q And you've had a chance to look at the request for
18 admissions and the answers that you submitted today. Is
19 that right?

20 A Yes, I have.

21 Q The request for admission that was submitted to
22 you, was it addressed to David Brasher or was it addressed
23 to DLB?

24 A To DLB, I think.

25 Q Would you take a look at it, please? Let's make

1 sure. It's Exhibit --

2 JUDGE STEINBERG: It's 30-something.

3 MS. LANCASTER: 34, I'm thinking -- 32 --

4 JUDGE STEINBERG: I have it. It's 31.

5 BY MR. ROMNEY:

6 Q Do you have before you Exhibit 31, sir?

7 A It's addressed to me. To David Brasher.

8 Q And it says -- do you see there on the first page,
9 sir, where they define respondent, the second line on the
10 first page?

11 A Yes, I do.

12 Q And respondent is defined as who? Can you
13 tell from that who it is talking about? Just in front
14 of it --

15 A In reference back to line 2, it says -- after
16 David Brasher, it says "hereinafter respondent."

17 Q And when you answered those requests for
18 admissions, you were giving your information. Is that
19 right?

20 A Yes.

21 Q You did not make an effort to answer on behalf of
22 the other personnel at DLB, did you?

23 A No, I did not.

24 Q You did not make an effort to respond on behalf of
25 what your dad might know, did you?

1 A No, I did not.

2 Q You did not make an effort to respond on behalf of
3 what your mother might know, did you?

4 A No, I did not.

5 Q To your knowledge, did Ms. Lancaster ever use the
6 radio in her car for personal use?

7 A Yes, she did.

8 Q To your knowledge, has Mr. Lewis ever used the
9 radios in his trucks that he testified about for his
10 personal use?

11 A Yes, he did.

12 Q Is it your understanding, sir that in order to
13 operate a series 900 mobile radio that a user, an end user,
14 has to have a license from the FCC?

15 A Yes, they do.

16 Q And your understanding is under the 400 systems,
17 the T-band systems that we're talking about in this case,
18 that is not required?

19 A That is correct.

20 Q You've not attempted to mislead the FCC, have you?

21 A No, sir. I have not.

22 Q You've tried to be honest and true in all the
23 responses you've ever given to the FCC and to this honorable
24 Court?

25 A Yes, sir. I have.

1 MR. ROMNEY: No further questions, Your Honor, of
2 this witness.

3 JUDGE STEINBERG: All right.

4 Ms. Lancaster, finish up.

5 REDIRECT EXAMINATION

6 BY LANCASTER:

7 Q Mr. Brasher, do you recall when you first started
8 answering questions posed by Mr. Pedigo you indicated that
9 you had been informed that Schwaninger & Associates were
10 Washington, D.C. communications counsel? Do you remember
11 that? All that series of questions about your counsel?

12 A Yes.

13 Q And that you had assumed that competent counsel
14 had been engaged?

15 A Yes.

16 Q And you had dealt fully and frankly with counsel?

17 A Yes.

18 Q Are you now implying that you do not think
19 competent counsel was engaged? Was that the purpose of that
20 testimony?

21 A No.

22 MR. PEDIGO: If that question is to me, I'll
23 answer it. No, that's not the purpose.

24 THE WITNESS: That's not the purpose.

25 MS. LANCASTER: It's not to you.

1 JUDGE STEINBERG: Let's --

2 THE WITNESS: No.

3 BY MS. LANCASTER:

4 Q And you then testified that you got new counsel
5 and you reviewed all the docs with your new lawyers, right?

6 A I don't remember that question.

7 MR. PEDIGO: Objection. That's misstating
8 everything.

9 JUDGE STEINBERG: I don't remember --

10 BY MS. LANCASTER:

11 Q I believe you testified you were candid with your
12 lawyers?

13 A I don't remember that question.

14 JUDGE STEINBERG: Whether he's candid with his --
15 well, never mind. I don't remember that.

16 MR. PEDIGO: No, Your Honor, he was candid --

17 MS. LANCASTER: I've got the word candid in
18 quotes, Your Honor.

19 JUDGE STEINBERG: But I think it was candid with
20 the Commission.

21 MR. ROMNEY: With the Commission and with this
22 honorable Court.

23 JUDGE STEINBERG: Well, you added the honorable
24 Court, which I much appreciated.

25 MR. ROMNEY: You're welcome, Your Honor.

1 JUDGE STEINBERG: I'm sure I've been called less
2 than that when I've left the room, but that's okay.

3 MS. LANCASTER: But, Your Honor, I believe he said
4 he was candid and he talked about his full and frank
5 discussions --

6 JUDGE STEINBERG: Well, why don't you --

7 MS. LANCASTER: -- with his lawyers and that he
8 was candid with his lawyers. I believe that question was
9 asked and answered.

10 JUDGE STEINBERG: I don't remember that. And if
11 you want to ask the question, see what happens.

12 MS. LANCASTER: Well, Your Honor, I think that
13 that question and that response opened the door again as to
14 what was told to his lawyers --

15 MR. ROMNEY: Clearly not.

16 JUDGE STEINBERG: -- about the dates of death of
17 Ruth and O.C.

18 MR. ROMNEY: There is nothing that opened the
19 door, Your Honor, in any respect. That is not testimony
20 that has been before this Court.

21 JUDGE STEINBERG: First, I don't remember the
22 testimony and, second, I think you need -- to open the door,
23 you need a little bit more than "I was candid with my
24 attorneys."

25 MR. ROMNEY: Even if that --

1 MS. LANCASTER: Well, he's stating he relied on
2 his attorneys, Your Honor.

3 JUDGE STEINBERG: Well, people have attorneys and
4 they rely on their attorneys. But I just don't remember the
5 question. I don't remember the answer going to candid with
6 attorneys.

7 MS. LANCASTER: Your Honor, the import of that
8 series of questions of questions implied that he had been
9 full and frank and honest and that somehow his attorneys
10 were not. That was the import of those questions.

11 JUDGE STEINBERG: Well, number one, I don't
12 remember the question. Number two, if you want to argue in
13 proposed findings, if that question was in fact asked and
14 answered, if you want to argue in your proposed findings and
15 conclusions that that's the implication it had, you may do
16 so and then the other people can respond. Number three,
17 I don't think even if it was asked and answered it opens the
18 door -- I haven't heard anything here today or at any time
19 this week which would allow you to ask the question as to
20 what -- and I think what you want to get to is when were the
21 attorneys informed of the deaths of the various people and
22 I see nothing that's gone on to date which would allow you
23 to ask that question.

24 MS. LANCASTER: Your Honor, yes, I do want to
25 get to that, only in that that would -- he's already